

Rejections Under 35 U.S.C. § 112

Claims 2 and 6 stand rejected under 35 U.S.C. § 112 as being indefinite. The Examiner pointed out that these two claims had insufficient antecedent basis for "the skin-contacting surface." These claims have been amended to use the indefinite article. Accordingly, this rejection is believed to be overcome.

Rejection 35 U.S.C. § 102

Claims 1-7 and 9 stand rejected under 35 U.S.C. § 102 as being anticipated by Paul et al. (6,217,890). Concerning claim 1, the Examiner states that the reference shows an absorbent article having an absorbent layer with a superabsorbent polymer and a liquid-impermeable leak-proof layer. The Examiner further states that the reference shows an agent having a skin-care effect that is activated on contact with moisture.

Applicants note that, even if the reference shows the features pointed out by the Examiner, the claims are still allowable thereover since the reference does not have any teaching of the claimed combination of elements. Specifically, the claim requires that the agent having a skin-care effect has substantially no decomposing action on the superabsorbent polymer. This feature is not discussed in the Paul et al. reference and in fact, is not even alleged to be seen by the Examiner. Applicants submitted this an important feature of the present invention since the prior art use of the skin-care effect agent often interferes with the superabsorbent

polymer material. In fact, Paul et al. discloses a hydrate of zinc sulfate as one of the treatment compositions which has a possibility of decomposing a superabsorbent polymer. Since the reference does not show this feature and since the Examiner has not even alleged that it is shown, Applicants submit that claim 1 is patentable over this reference.

Claims 2-4 depend from claim 1 and as such are also considered to be allowable. These claims include other features such as an agent which is a water-soluble or water dispersible plant extract and the water absorption value of the polymer. Accordingly, these claims are believed to be additionally allowable.

Claim 5 has been amended to recite the same feature of the agent having no decomposing action. Accordingly, claim 5 is allowable for the same reasons recited above in regard to claim 1.

Claims 6-9 depend from claim 5 and as such are also considered to be allowable. In addition, these claims have additional features such as fixing the agent using a thickener and drying, the particular compound used in the thickeners and the water dissolving temperature of the thickener. Accordingly, these claims are believed to be additionally allowable.

Claims 10 and 11 were rejected as being anticipated by Blieszner et al. (5,648,083). The Examiner states that Blieszner et al. discloses a substrate impregnated with a skin-care agent containing a water-soluble polyol which renders it responsive to moisture. In regard to claim 11, the Examiner states that

the reference shows that the agent contains oil and water-soluble polyols. Further the reference states that butylene glycol may be present in the agent as a water-soluble polyol.

By way of the present Amendment, Applicants have amended claim 10 to add the limitation that the skin-care agent contains substantially no water. Since the claimed skin-care agent is released upon contacting with moisture, it is apparent that the skin-care agent does not contain a large amount of water. The basis for this limitation is found in the use of the word "drying" on page 14, line 16 or "dried" on page 24, line 11 of the specification.

The Blieszner et al. reference discloses an emulsion composition containing at least 90% by weight of water, which means that this composition contains a large amount of water. Therefore, the limitation in the claim that the skin-care agent contains substantially no water is clearly distinct from the Blieszner et al. device. This is important since the fiber releases the skin-care agent for the first time when external water is supplied.

Claims 12-14 have also been added. Claim 12 is based on claim 1 and also points out that the absorbing region is provided with a skin-care composition consisting essentially of an agent which is released and dissolves or disburses in water upon contacting with water content.

This claim is different from the device shown in Paul et al. In the reference, it is essential to use lotion formulations which are oily materials. Optionally, a

treatment composition which transfers to the wearer's skin upon contacting with the water may be used. Paul et al. discloses only specific embodiments in which both the lotion formulation and the treatment composition are applied on the top sheet. As a result, the liquid waste discharged on the top sheet is prevented from quickly permeating through the top sheet. Claim 12 now points out that the agent dissolves or disburses in water upon contacting with water content. Thus, oily material may be applied as long as the quick permeation of the liquid waste is not prevented.

Claim 13 has also been added with is similar to claim 12 but adds the description of the thickener such as described in claim 9. This claim is allowable for the same reasons recited above in regard to claim 12. Claim 14 has also been added and which depends from claim 11. This claim recites that a mixture of the agent and oil are butylene glycol is applied to the fiber followed by drying.

Claim Rejection Under 35 U.S.C. § 103

Claim 8 stand rejected as being obvious over Paul in view of Yanaki et al. (5,538,728). The Examiner relies on the Yanaki et al. reference to show polysaccharide used as a thickener in a skin-care composition. Moreover, even if the Examiner is correct concerning the teaching of the secondary reference, claim 8 would still be allowable based on its dependency from claim 1.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

Appl. No. 09/852,804
Amendment filed September 24, 2002

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By _____

Joseph A. Kolasch, #22,463

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

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Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

The claims have been amended as follows:

2. (Amended) The absorbent article according to claim 1, wherein said agent is fixed on [the] a skin-contacting surface of said absorbent article.

5. (Amended) An absorbent article comprising a liquid retentive absorbent layer and a liquid-impermeable leak proof layer, wherein an agent having a prescribed effect on the skin of a wearer and substantially no decomposing action on said absorbent layer is fixed with a water-soluble thickener on a prescribed region of said absorbent article.

6. (Amended) The absorbent article according to claim 5, wherein said agent is fixed on [the] a skin-contacting surface of said absorbent article.

10. (Amended) Skin-care agent-containing fiber comprising fiber and an effective amount of a skin-care agent containing substantially no water fixed on said fiber in a state ready to be released on contact with moisture.

Claims 12-14 have been added.